THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923.

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BOMBAY ACT No. XI OF 1923.[1]

[THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923.]

[*27th October 1923.*]

Amended by Bom. 9 of 1926.
,, ,, ,, 9 of 1927.
,, ,, ,, 12 of 1930.
,, ,, ,, 20 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 7 of 1943.†
,, ,, ,, 17 of 1945.§
,, ,, ,, 26 of 1948.

An Act to consolidate and amend the Law relating to Prostitution in the City of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to prostitution in the City of Bombay and to provide for the extension thereof to other local areas in the Presidency of Bombay, and WHEREAS the previous sanction of the Governor-General required by sub-section (*3*) of section 80-A of the Government of India Act has been obtained for passage of this Act; It is hereby enacted as follows :—

Short title.

1. (*1*) This Act may be called the Bombay Prevention of Prostitution Act, 1923.

Extent: Extension.

(*2*) This section, section 6, [2][section 8 (*3*)], section 9, [3][section 12 and section 13, sub-section (*1*)] extend to the whole of the Bombay Presidency. The rest of this Act shall extend in the first instance to the [4][Greater Bombay] but [5][the Provincial Government] may by notification extend to any other local area all or any of its provisions, with such verbal modifications as having regard to the principles of this Act may be necessary, for the purposes of such extension.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1923, Part V, pp. 22–23; for Report of Select Committee, see *ibid.*, pp. 28–29; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1923, Vol. X.

[2] The word, brackets and figures "section 8 (*3*)" were substituted for the original words, brackets and figures "sub-section 8 (*3*)" by Bom. 9 of 1926, s. 2.

[3] The words, brackets and figures "section 12 and section 13, sub-section (*1*)" were substituted for the original words and figures "and section 12", *ibid.*

[4] The words "Greater Bombay" were substituted for the words "City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[5] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

† This Act was repealed and re-enacted by Bom. 26 of 1948, s. 2.

§ This Act was repealed and re-enacted and amendments made by section 9 and Schedule E were continued in force by Bom. 52 of 1947, s. 2.

Definition

*2. In this Act, unless there is anything repugnant in the subject or context,—

[1]" brothel " means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution [2][and includes—

(*1*) where any house, room or place, or any part thereof is divided into cubicles by any means including cloth or canvass curtains, or wooden, cement, corrugated iron, asbestos or brick partitions and such cubicles are used for the purposes of prostitution, every such cubicle used for such purposes whether by one or by more than one person ;

(*2*) any room or place or any part thereof which is used for the purposes of prostitution, whether by one or by more than one person and the floor area of which is less than one hundred square feet and the cubic area of which is less than one thousand cubic feet ;

(*3*) a self-contained flat used for the purposes of prostitution by more than one person, whether as independent tenants of different rooms or parts therein or otherwise.]

" place of public amusement " shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted ; and shall include a race-course, circus, theatre, [3][cinema], music hall, billiard-room, bagatelle-room, gymnasium, [4][fencing school or dancing school] ;

" place of public entertainment " shall mean any place whether enclosed or or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

Soliciting.

*3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

(*a*) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution, [5][or carnal intercourse] [6][or any act of gross indecency] or

(*b*) solicits or molests any person or loiters for the purpose of prostitution, [5][or carnal intercourse] [6][or any act of gross indecency],

shall be punished with imprisonment for a term which may extend to [7][six months] or with fine which may extend to [8][five hundred rupees or with both].

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* The provisions of this section have been extended to the towns of Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia ; the Bombay Suburban District ; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

[1] This definition was substituted for the original definition by Bom. 12 of 1930, s. 2.
[2] This portion was added by Bom. 26 of 1948, s. 3 (*i*).
[3] This word was inserted, *ibid.*, s. 3 (*ii*) (*a*).
[4] These words were substituted for the original, *ibid.*, s. 3 (*ii*) (*b*).
[5] These words were inserted by Bom. 12 of 1930, s. 3.
[6] These words, were inserted by Bom. 26 of 1948, s. 4 (*i*).
[7] The words " six months " were substituted for the original words, *ibid.*, s. 4 (*ii*).
[8] These words were substituted for the original, *ibid.*, s. 4 (*iii*).

Prostitutes in places of public amusement.

*4. Whoever being the keeper of any place of public amusement or entertainment [1][Turkish bath, massage establishment, beauty parlour, manicure room, pedicure room, knitting room, embroidery room or other similar place by whatever name or description known], knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punished with [2][imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both].

Living on the earnings of prostitution.

*5. (*1*) Any [3][person not below the age of 16 years] who knowingly lives, wholly or in part, on the earnings of prostitution [4][of another person] shall be punished with imprisonment which may extend to [5][three] years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Presumption thereof.

(*2*) Where [6][any] person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, [7][or to be keeping or managing or assisting in the management of a brothel] it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

Procuration.

6. Any person who procures or attempts to procure any woman or girl, whether with or without her consent, [8][for the purposes of prostitution], or who with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

Importing woman or girl for prostitution.

*7. Any person who brings or attempts to bring into the [9][Greater Bombay] any woman or girl [10][whether a prostitute or not, for the purposes of prostitution], shall be punished with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping or with any two of those punishments.

Unlawful detention for prostitution :

8. †(*1*) Whoever detains any woman or girl against her will,—

(*a*) in any house, room or place in which the business of a common prostitute is carried on, or

(*b*) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally, —

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* The provisions of this section have been extended to the towns of Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia; the Bombay Suburban District; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

[1] This portion was inserted, by Bom. 26 of 1948, s. 5.

[2] This portion was substituted for the original, *ibid.*

[3] These words were substituted for the words "male person" by Bom. 12 of 1930, s. 4 (*a*) (*i*).

[4] These words were inserted, *ibid.*, s. 4 (*a*) (*ii*).

[5] The word "three" was substituted for the word "two", *ibid.*, s. 4 (*a*) (*iii*).

[6] The word "any" was substituted for the words "a male", *ibid.*, s. 4 (*b*) (*i*).

[7] These words were inserted, *ibid.*, s. 4 (*b*) (*ii*).

[8] These words were substituted for the original by Bom. 26 of 1948, s. 6.

[9] The words "Greater Bombay" were substituted for the words "City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[10] These words were substituted for the original by Bom. 26 of 1948, s. 7.

† The provisions of this sub-section have been extended to the towns of Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia, the Bombay Suburban District; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping or with any two of those punishments.

presumption thereof:

*(2) Where a woman or girl is in any house, room or place in which the business of a common prostitute is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (*1*) (*b*), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for recovery of such money.

bar of certain legal proceedings.

(*3*) No civil suit shall lie and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

No punishment of whipping under sections 5 to 8 for females.

[1]†[**8A.** Nothing in sections 5, 6, 7 and 8 shall render a female liable to be punished with whipping.]

Punishment for letting, or permitting use of premises as a brothel.

[1]‡[**8B.** Any person who—

(*a*) being the owner, tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof, with the knowledge that the same or any part thereof may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment, which may extend to three months, or with fine which may extend to [2][one thousand] rupees, or with both.]

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* The provisions of this sub-section have been extended to the towns of Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia; the Bombay Suburban District; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

† The provisions of this section have been extended to the Bombay Suburban District; the towns of Ahmedabad, Nasik, Dhulia, Ahmednagar and Belgaum; Poona Taluka; the (revenue) villages of Dapodi, Bopkhel, Kālās, Hadapsar and Kondna Khurd in the Haveli taluka of the Poona district; and the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusawal and Jalgaon.

‡ This section has been extended to the Bombay Suburban District, and the towns of Poona and Belgaum.

[1] Sections 8A, 8B, 8C and 8D were inserted by Bom. 12 of 1930, s. 5.

[2] These words were substituted for the original by Bom. 26 of 1948, s. 8.

[1]*[**8C.** Any person who, having been convicted of an offence punishable under section 8B, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and, in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.] Punishment for subsequent offence.

[1]*[**8D.** (*1*) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (*a*), the convicting court shall give notice thereof in writing to the landlord or lessor, who shall then be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination. Determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.

(*2*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*1*), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

V of 1898.

(*3*) If the landlord or lessor, after he has received notice in writing of such conviction, fails to exercise his rights under sub-section (*1*) and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(*4*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.]

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9. (*1*) The Commissioner of Police may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room, or place [2][Removal of prostitutes.]

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* This section has been extended to the Bombay Suburban District, and the towns of Poona and Belgaum.

[1] Sections 8A, 8B, 8C and 8D were inserted by Bom. 12 of 1930, s. 5.

[2] This marginal note was substituted for the original by Bom. 26 of 1948, s. 9.

in the [1][Greater Bombay] in which the business of a common prostitute is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, use or frequent any street or place specified in the notice; or directing such person or woman after a date to be mentioned and fixed as aforesaid to remove himself or herself to such place, whether within or without the [1][Greater Bombay] by such route or routes and within such time as the Commissioner of Police shall prescribe.

(*2*) If any person or woman so directed under sub-section (*1*) fails or refuses to remove himself or herself as directed within the time specified the Commissioner of Police may cause such person or woman to be arrested and removed in police custody to the place prescribed.

(*3*) No direction under the second alternative in sub-section (*1*) shall be made without the previous sanction of [2][the Provincial Government].

Penalties.

(*4*) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punished with imprisonment for a term which may extend—

(*a*) in the case of a first offence to one month, and

(*b*) in the case of a second or subsequent offence, to three months.

(*5*) Whoever, within two years from the date of his removal under the provisions of this section, returns to any place within the [1][Greater Bombay], without the permission in writing of the Commissioner of Police, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

[3][(*6*) (*a*) Elsewhere than in the [1][Greater Bombay] all or any of the powers conferred by this section on the Commissioner of Police for the [1][Greater Bombay] may be exercised, as regards his district or part of his district, by the District Magistrate when empowered in that behalf by the [2][Provincial Government] by a notification in the [4][*Official Gazette*].

(*b*) Any person on whom a notice issued by the District Magistrate under the powers exercisable by him under clause (*a*) shall have been served, disobeying the requisition therein contained shall be liable to the punishment provided in sub-section (*4*).

(*c*) Whoever, within two years from the date of his removal under the provisions of this sub-section, returns to any place within the district from which he has been removed without the permission in writing of the District Magistrate shall be liable to the punishment provided in sub-section (*5*).]

Commissioner of Police to serve notice on landlord not to permit house, etc., to be used for prostitution.

[5][**9A.** (*1*) In any case where the Commissioner of Police causes a notice to be served in refernece to any house, room or place under sub-section (*1*) of section 9, he may, if he thinks fit, cause a notice to be served on the landlord or lessor or the agent of such landlord or lessor in charge of the said house, room or place, requiring him not to permit the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute.

[1] The words "Greater Bombay" were substituted for the words "City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E, read with Bom. 52 of 1947, s. 2., proviso.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*6*) was added by Bom. 9 of 1926, s. 4.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Laws Order in Council.

[5] This section was inserted by Bom. 7 of 1943, s. 2, read with Bom. 26 of 1948, s. 2.

(*2*) Any person, who having received a second notice under sub-section (*1*) of this section knowingly permits the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute after the date mentioned in the corresponding notice caused to be served in reference to the said house, room or place under sub-section (*1*) of section 9, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. Offence of so permitting after second notice.

(*3*) In all prosecutions under this section, when any house, room or place is proved to have been used for carrying on the business of a common prostitute it shall be presumed that it was knowingly permitted to be so used, unless the accused proves that he had made all necessary inquiries and had no reason to believe at the time when the house, room or place was let that the tenant was a prostitute and that he had taken all reasonable steps to prevent its use for carrying on the business of a common prostitute.] Presumption as to knowledge.

[1][**9B.** (*1*) Whoever carries on the business of common prostitute in any premises— Common prostitute in vicinity of public places.

(*a*) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare over which tramcars run, or

(*b*) which are notified in this behalf, in Greater Bombay by the Commissioner of Police and elsewhere by the District Magistrate, in the manner prescribed by rules made by the Provincial Government,

shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

(*2*) Any person who—

(*a*) being the owner, tenant, lessee, occupier or person in charge of any premises situate as described in clause (*a*) or notified under clause (*b*) of sub-section (*1*) knowingly permits the same or any part thereof to be used for carrying on the business of a common prostitute, or Punishment for permitting premises to be used for business of common prostitutes.

(*b*) being the lessor or landlord of any premises so situate or notified, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that the same or any part thereof may be used for carrying on the business of a common prostitute, or is wilfully a party to the continued use of such premises or any part thereof for carrying on the business of a common prostitute,

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*3*) In all prosecutions under this section against a lessor, landlord or the agent of a lessor or landlord, when any premises or part thereof is proved to have been used for carrying on the business of a common prostitute, it shall be presumed that the premises or part thereof was let with the knowledge that it may be so used unless the accused proves that he had made all necessary inquiries and had no reason to believe at the time when it was let that the tenant was a prostitute and that he had taken all reasonable steps to prevent its use for carrying on the business of a common prostitute.] Presumption as to knowledge.

[1] This section was inserted by Bom. 26 of 1948, s. 10.

Arrest without warrant.

*10. [1][(*1*) Any police officer on information, and, if the offence is committed in his view, any police officer specially authorized in this behalf by the Commissioner of police, may arrest without a warrant any person committing any offence punishable under section 3.]

(*2*) Any police officer may, without an order from a magistrate and without a warrant arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 9, sub-section (*5*).

11. [*Power to enter premises.*] *Repealed by Bom. 12 of 1930, s. 6.*

Offences triable by certain magistrates only.

12. Offences punishable under sections 5, 6, 7, [2][8 and 9A] shall be triable by the Courts of Session, stipendiary Presidency Magistrates and stipendiary Magistrates of the First Class only.

Repeals and amendments.

13. (*1*) [*The repeals and amendments made by sub-section (1) in the City of Bombay Police Act, 1902, have been incorporated in the principal Act.*] Bom. IV of 1902.

†(*2*) In any municipal district [3][or municipal borough] to which section 3 may be extended under section 1, sub-section (*2*), section 152 of the Bombay District Municipal Act, 1901 [4][or section 188 of the Bombay Municipal Boroughs Act, 1925, as the case may be], shall be deemed to have been repealed from the date of such extension. Bom. III of 1901; Bom. XVIII of 1925.

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[1] Sub-section (*1*) was substituted for the original sub-section (*1*) by Bom. 9 of 1926, s. 5.

[2] The figures, letter and word "8 and 9A" were substituted for the original word and figure "o 8" by Bom. 7 of 1943, s. 3, read with Bom. 26 of 1948, s. 2.

[3] The words "or municipal borough" were inserted by Bom. 20 of 1931, s. 2 (*1*).

[4] These words and figures were inserted *ibid.*, s. 2 (*2*).

* The provisions of this section have been extended to the towns of Poona, Ahmednagar, Ahmedabad, Belgaum, Nasik and Dhulia, the municipal boroughs of Sholapur, Pandharpur, Surat, Bhusaval and the Bombay Suburban District.

† The provisions of this sub-section have been extended to the towns of Ville Parle, Ghatkopar, Kirol and Juhu in the Bombay Suburban District; and to the municipal boroughs of Sholapur, Pandharpur, Poona City, Poona Suburban, Belgaum, Bandra, Ahmedabad, Ahmednagar, Dhulia, Nasik, Kurla, Surat, Bhusawal and Jalgaon.